

REMARKS

The amendment adds identification number to the strain CNB476 that was missing in the originally find specification. The amendment also adds new Claims 23-29, to replace the canceled Claims 1, 7, 10, 12-14, and 22.

Support for new Claims 23-29 is found in the application as filed at paragraph [0035], which recites:

[t]he compounds according to this invention may contain one or more asymmetric carbon atoms and thus occur as racemates and racemic mixtures, single enantiomers, diastereomeric mixtures and individual diastereomers. The term "stereoisomer" refers to chemical compounds which differ from each other only in the way that the different groups in the molecules are oriented in space. Stereoisomers have the same molecular weight, chemical composition, and constitution as another, but with the atoms grouped differently. That is, certain identical chemical moieties are at different orientations in space and, therefore, when pure, have the ability to rotate the plane of polarized light. However, some pure stereoisomers may have an optical rotation that is so slight that it is undetectable with present instrumentation. All such isomeric forms of these compounds are expressly included in the present invention.

Additional support for new Claims 23-29 is found in the application as filed at paragraph [0036], which in relevant part recites:

[e]ach stereogenic carbon may be of R or S configuration. Although the specific compounds exemplified in this application may be depicted in a particular configuration, compounds having either the opposite stereochemistry at any given chiral center or mixtures thereof are also envisioned.

Therefore, the amendment does not add new matter. Accordingly, entry of the amendment is respectfully requested.

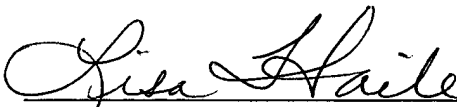
In re Application of:
Fenical et al.
Application No.: 10/600,854
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PATENT
Attorney Docket No.: UCSD1530-2

No fee is deemed necessary in connection with the filing of this communication.
However, if a fee is required, the Commissioner is hereby authorized to charge any required
fee associated with this communication, or credit any overpayments, to Deposit Account
No. 50-1355, referencing the attorney docket number shown above.

Respectfully submitted,

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Lisa A. Haile, J.D., Ph.D.
Reg. No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO CUSTOMER NO. 28213